



STATE OF UTAH

UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL

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Minutes *USAAV Council Meeting*

DATE: December 10, 2003
TIME: Noon – 2:00 p.m.

Governor's Mansion
603 East South Temple

Present: Randy Bachman, Myron March proxy for Dan Becker, Susan Burke, Senator Chris Butters, Lou Callister, Commissioner Camille Cain, Col. Merrill Carter, Blake Chard, Scott Duncan, Gary Jorgensen, Verne Larsen, Rep. Ty McCartney, Ed McConkie, Diane Ngatuva, Ned Searle proxy for Stewart Ralphs, Harold Morrill, Jack Tanner, Creighton Horton for Kirk Torgensen, Anna Kay Waddoups, Arie Van De Graaff and Sherm Watkins

I. Welcome, Introductions & Lunch

Chairman Gary Jorgensen introduced Lt. Governor Gayle McKeachnie. The Lt. Governor then presented the USAAV Governor's Award to Pat Fleming and Senator Michael Waddoups. This award is given annually to honor individuals who have made outstanding contributions to Utah's substance abuse and violence initiatives. Pat Fleming was recognized for his innovative work to improve and expand services to persons with substance abuse disorders. Senator Waddoups received the Governor's Award in appreciation of his foresight and leadership in sponsoring legislation that combats the devastating consequences of driving under the influence.

II. Local Alcohol Fund Reports

Diane Ngatuva reported that there was 100% compliance in communities reporting to USAAV on how local alcohol funds were expended. The alcohol funds were appropriated by the legislature at the November 19 Special Session. All 260 Utah communities, counties and towns will receive that distribution by direct deposit prior to the new year. Wayne County had requested permission to hold their funds in a trust until they had accumulated enough to purchase night vision equipment, a thermal imager and shot guns. The Attorney General's Office is of the opinion that the night vision and thermal imaging equipment appears to fall within the scope of the qualified uses for the funds, but that the gun purchases would not be an appropriate use. DUI Chair Anna Kay Waddoups noted that their committee recommended purchasing the night vision equipment and thermal imager but did not approve use of the

alcohol funds for gun purchases. Commissioner Cain noted that at the UAC Convention held in October she had visited with many of the rural county representatives. The feedback she received was that night vision and thermal imaging equipment allowed them to approach an alcohol-related party taking place in wooded areas without the participant's knowledge and enabled them to arrest violators without advance notice. Commissioner Cain also recommended USAAV compile a list of suggested appropriate uses of alcohol funds that meet the requirements of the legislation as a guideline.

Action: *Colonel Merrill Carter made a motion that Wayne County be allowed to utilize alcohol funds for the purchase of night vision and thermal imaging equipment for the purpose of alcohol enforcement; but not for the purchase of guns. Rep. Ty McCartney seconded the motion which was unanimously approved. USAAV Council staff will put together a letter to go to the counties outlining appropriate uses for the alcohol funds.*

Arie Van De Graff handed out a resolution that resulted from the Utah Association of Counties (UAC) annual meeting. The resolution supported the appropriation of alcohol funds statewide. He noted that many counties use the money to fund overtime shift work by law enforcement. Tooele County works closely with Valley Mental Health to provide treatment. Arie noted that UAC combined efforts with the Utah Behavioral Network Association to set a legislative agenda this year. Their website; www.uacnet.org lists their legislative priorities for 2004.

III. Draft Legislative Bills

▪ Drug Offender Reform Act

Senator Chris Butters gave an overview of the Drug Offender Reform Act (DORA) that he will be sponsoring in the upcoming legislative session. He pointed out that almost everyone that is put in jail will get out at some point in time; what needs to be treated is the symptoms that put them there in the first place. The bill requires offenders to be screened and, if needed, assessed for a substance abuse problem. 85% of all offenders have a substance abuse problem; results of any screening and assessment are provided to the judge as part of the pre-sentence investigation report. The Judge has the option to sentence an offender to treatment as a condition of probation. Myron March noted that it is tougher on offenders to go through treatment than to be locked up. Randy Bachman agreed saying that this is a major step in the right direction; he added that anyone who needs treatment should receive it.

The bill does not contain a funding mechanism, however, Senator Butters stated that he would like to fund it with a \$2.25 increase in the motor vehicle registration. This would generate \$6.2 million needed for phase one. The funding would go to the Division of Substance Abuse and Mental Health with a requirement that the Dept. of Corrections receive a portion of the funds for prison-based treatment services. The USAAV Council would monitor implementation.

Action: *Harold Morrill made a motion to accept the bill and support efforts by Senator Butters to pass the legislation. The motion was seconded and unanimously approved.*

▪ Driving Under the Influence Amendments

Anna Kay reviewed the draft legislation. It allows for a plea in abeyance for DUI if the prosecutor agrees to the plea and if the offender enrolls in a treatment program that is monitored by the court. If the offender is arrested for a subsequent DUI, then the plea in abeyance will count as a prior offense for the purposes of enhancing the new offense.

Action: *Harold Morrill made a motion to accept the legislation; Colonel Merrill Carter seconded the motion which was unanimously approved.*

- Drug Lab Clean Up and Disclosure

Susan gave an overview of the legislation. There was lengthy discussion regarding how to protect the innocent property owner from paying a fee if required by the local health dept. to prove that their home is not contaminated. It was felt by Council members that this will be a crucial point with the legislature. Susan noted that the bill committee struggled with this but felt that some standards, although not perfect, are better than none as it currently stands.

Action: *Anna Kay Waddoups made a motion that this bill go back to the working group for continued revision. The motion was seconded and passed favorably, with one opposing vote.*

- Domestic Violence Bills

Ned Searle reported the Utah Domestic Violence Council 2004 Legislative Priorities as follows:

- 1) They support the Marriage Preparation Education bill sponsored by Rep. Roz McGee.
- 2) They will lend support for the domestic violence funding for shelters and domestic violence positions within the Dept. of Human Services.
- 3) They will support legislation or department policy providing for Workplace Safety from Domestic Violence.
- 4) They are currently studying enhancements of subsequent offenses of domestic violence that treat a prior plea and abeyance as a conviction when there is a second offense.

IV. Other Business

- Susan reminded Council members of the process taken during the Legislative Session. The USAAV Executive Committee, along with the Sentencing Commission, CCJJ and UBJJ will meet as a Joint Legislative Action Committee every Monday at noon once a week and take temporary positions on the bills. Susan will email out these positions to all Council members. If no word is received by Friday it will be assumed that these will become permanent positions taken by the Committee. All are welcome to attend.

- Ignition Interlock Study Request

The USAAV DUI Committee received a presentation regarding ignition interlocks at their last meeting. Their discussion centered around whether the courts or the Division of Motor Vehicles should be involved in monitoring the program. Senator Buttars noted that he currently would not support the program as it stands. There would need to be a satisfactory answer as to what would stop a drunk driver from using a different car.

Action: *Harold Morrill made a motion that the Commission on Criminal and Juvenile Justice take on this issue as a study item. The motion was seconded by Anna Kay Waddoups and unanimously approved.*

- Joint Leadership Update & DVD's

DVD's were distributed to each Council member; "What Is Addiction" by Dr. Michael Crookston and "Neurobiology of Drug Abuse" by Dr. Glen Hanson. These were created by the Edward G. Callister Foundation and the Joint Leadership Committee is assisting with distribution.

- Parent Corps

Modeled after the Peace Corps, the Parent Corps is a new Presidential initiative that mobilizes parents to prevent drug use among children. Their representatives met with Susan to begin building an infrastructure consisting of parent leaders, local coordinators, state coordinators and a national office to motivate parents of school-age children to devote their volunteer hours to drug prevention. They would like to create ten pilot sites that will receive grant funding to

support two full time parent leaders. Further discussion of this will take place once the application arrives.

V. Preview of UBHN 2004 Legislative Agenda

Jack Tanner noted that UBHN is working with DSAMH to establish drug testing statewide standards. There won't be legislation for the 2004 session but are working toward the future.

- 1) UBHN is working with DSAMH to establish drug testing statewide standards. There won't be legislation for the 2004 session but they are working toward the following year.
- 2) Realizing that funding is the secret to success with drug courts they are looking for an opportunity to expand the treatment component of drug courts.
- 3) Support the Federal Substance Abuse Block Grant – a certain level of funding has to be maintained by the state but this has fallen short. For every dollar under the limit the state loses \$1 in federal money for supplemental funding to make up the difference.
- 4) UAC and UBHN have taken positions to support the DORA bill.

VI. Next Meeting

The next meeting of the USAAV Council will be held on **Wednesday, March 10, 2004** from noon to 2:00. Room location to be announced.